

# **WILLIAMSBURG PLANNING COMMISSION MINUTES**

**Wednesday, July 19, 2006**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, July 19, 2006, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

## **CALL TO ORDER and ATTENDANCE**

Chairman Young called the meeting to order. Present in addition to Mr. Young were Commissioners Pons, Kafes, Hertzler, McBeth and Rose. Staff members present were Planning Director Nester, Deputy Planning Director Murphy, City Attorney Phillips and Secretary Scott.

## **MINUTES**

After Mr. Kafes' corrections to the June 14 minutes were noted, Mr. Pons moved that the amended minutes of the June 14 regular meeting and the June 12 and 22 work sessions be approved. Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose, McBeth, Young

Nay: None

Absent: None

## **CONSENT AGENDA**

There were no items on the consent agenda this month.

## **PUBLIC HEARINGS**

**PCR #06-014: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, Sec. 21-605(e), Rental of bedrooms to visitors (Bed & Breakfast Establishments), to increase the number of bedrooms allowed to be rented in an owner-occupied single family detached dwelling from 4 to up to 10 bedrooms. Rental of more than 4 bedrooms would require a special use permit approved by City Council. Following the public hearing, Planning Commission will recommend to City Council a specific maximum number of bedrooms that can be rented, which may be less than 10 bedrooms. The Commission approved the expansion of B & Bs with conditions by a vote of 6-0.**

Mr. Nester stated that the public hearing today is for one issue only – whether to increase the number of bedrooms allowed to be rented in an owner-occupied single family detached dwelling from 4 to up to 10 bedrooms. Rental of more than 4 bedrooms would require a special use permit approved by City Council. Mr. Nester noted a

number of existing bed and breakfast establishments and the number of rooms by which they could potentially increase. He said a major issue to be considered is the compatibility of the increased number of rooms with the surrounding residential neighborhoods. Four rental rooms essentially allows a house to be a bed and breakfast establishment, but with an increase in number it becomes more commercial, and 8 or ten rooms would clearly be a commercial venture. With an increase in the number of rental rooms there would also be a requirement for additional parking spaces.

Chairman Young opened the public hearing.

**Bill Talley**, 709 College Terrace, said he has B&Bs in his backyard and is concerned about the character of the neighborhood if an increase in the number of rooms is allowed. He asked what mechanism is in place to approve one request over another.

**David Kranbuehl**, 201 Harrison Avenue, said he lives one block off Richmond Road and a number of B&Bs. He would like to see something done about front-yard parking, globally, not just for B&Bs, and requested that the Planning Department draft an ordinance specifying restrictions. He added that we are spending a whole lot of time and money on reviewing the siding issue when we need to review the parking restrictions. Mr. Kranbuehl stated that he loves B&Bs, but this is about making sense and stabilizing the neighborhood. He suggested if a property is 0.5 acres or more the owner could have a maximum of six rental rooms. If the property is 0.9 acres or more they could rent a maximum of 8 rooms with a special use permit.

**Jim McCord**, 611 Richmond Road, a Williamsburg resident for more than 35 years, said he doesn't want the current regulations changed too much; Planning Commission has worked hard to "hold the line" to the 1996 requirements. He said there are 21 expansions possible and once a single family residence becomes a B&B it is difficult to convert back to a single family residence. The move from residential to commercial is a concern to him as well as the screening of cars. A four room cap insures the neighborhood will remain residential in nature and not intrude on the surrounding neighbors. Mr. McCord added that there is room for additional B&Bs along the six corridors.

**Debbie Keane**, 718 Jamestown Road, said she is flabbergasted to have to defend the expansion of their B&B; it's been two years since they submitted their request. Some seem not to understand the charm and benefit of B&Bs and a handful of residents express dislike. Why not provide another option for Williamsburg visitors? She noted that houses for sale on main corridors don't sell very easily unless they are B&Bs. Mrs. Keane concluded her comments by thanking the Commission and Mr. Nester for their consideration and hard work. She asked that the expansion be allowed.

**David Kranbuehl** stated that no one said they are against B&Bs and noted several large homes that were recently sold in a short period of time, and they were not B&Bs. The issue is the impact on the residential neighborhoods. He said he has no problem

with the Keane request for expansion, but restrictions and controls which are carefully crafted and enforced need to be in place.

**Ike Sisane**, 922 Jamestown Road, said he's lived in Williamsburg for 20 years, 16 of those years running a B&B. He said City Council has put a "hanging rope" on B&Bs, and noted that 17<sup>th</sup> and 18<sup>th</sup> Century taverns had ten people in a room. B&Bs are international and they create a pleasant, welcoming ambiance. He asked that the Commission consider 8 rooms for rent as a maximum with no discussion on another increase in the future.

There being no additional comment the public hearing was closed.

This issue was extensively discussed by Commissioners:

Mrs. McBeth asked about Mr. Kranbuehl's suggestion of tying the number of rental rooms to the acreage of the property. Mr. Nester responded that advertisement for this public hearing was for rental rooms up to 10, but did not include an acreage requirement. He said that the Commission could specify an acreage requirement as a part of its recommendation.

Mr. Pons said, as Mrs. Keane noted, there has been a lot of discussion on this issue and there are other issues that need attention. It's not the B&Bs that are creating the increase in traffic, noise, etc.; in fact B&B guests are more like the visitors we'd prefer to have in Williamsburg. They probably spend more, are more likely to return, and are more likely to be good ambassadors when they return to their homes. There are few B&Bs large enough to support eight rental rooms and he likes Mr. Kranbuehl's idea of tying the number of rooms permitted to the property acreage; we ought to support larger, well-managed B&Bs.

Mr. Kafes agreed with Mr. Pons, although he prefers six rooms rather than eight. He expressed concern that City Council could allow up to 15% lot coverage for 0.5 acre lots, which would give B&Bs an advantage other residential units would not have. He proposed elimination of the distinction between 15% and 10% and put it at 15%. He noted occupancy for B&Bs is only 40% and not many would qualify for eight rooms.

Mrs. McBeth said the 10 to 15% for all lots needs to be addressed separately. She added that she likes the idea of a cap of 6 rooms if property is ½ acre and 8 rooms if one acre or more.

Mr. Nester noted that regular residential uses can request a special exception from the Board of Zoning Appeals for increasing parking and driveway coverage for larger lots, which is what is proposed for B&Bs through the special use permit process.

Mr. Hertzler noted that he is extremely concerned about the effect of increased rooms on fragile neighborhoods, but B&Bs are not the cause of the problem – it is our own

success. More people coming to visit Colonial Williamsburg is the cause of the problem. He said he supports limited expansion and the two-tiered approach makes sense. He asked for further clarification regarding the parking requirement. Mr. Nester responded that the current ordinance explicitly gives the Board of Zoning Appeals the authority to determine whether parking is acceptable; there are sufficient regulatory powers in place to protect the best interests of both the City and its neighborhoods. Mrs. McBeth added that parking can also be addressed during the site plan review process.

Mr. Rose said he supports the potential of 23 additional rooms in the City. He noted soon the City will be welcoming 350 new students, a 500-space parking garage and a new business school. He suggested these are issues that may destabilize neighborhoods more than any B&B might.

Mr. Pons moved that the Commission recommend to City Council the approval of the expansion of B&Bs with a special use permit, as detailed in the attached ordinance, as follows: up to six rooms allowed for lots 0.5 acre or greater; eight rooms allowed for lots of one acre or more; and parking/driveway coverage may be increased to 15% as a part of the special use permit.

Mrs. McBeth seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose, McBeth, Young

Nay: None

Absent: None

**PCR #06-015: Request of The Colonial Williamsburg Foundation to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Article VI. Signs by adding provisions allowing additional monument signs for a regional visitor center (Sec. 21-747(10). It is proposed to erect two 75 square foot monument signs for the Colonial Williamsburg Visitor Center at its entrance on Visitor Center Drive (Rt. 132Y). Planning Commission has requested review of an option that would allow additional monument signage for a nonprofit visitor center instead of a nonprofit regional visitor center. The Commission recommended approval with conditions by a vote of 6-0.**

Mr. Nester presented proposed ordinances representing modifications to the sign ordinance. He noted last month the Commission had deferred action on the request and asked staff to prepare a revised ordinance allowing additional monument signs for a nonprofit visitor center for a City historic attraction.

Chairman Young opened the public hearing.

**Ike Sisane**, 922 Jamestown Road, said if the sign is to advertise only Colonial Williamsburg this is okay, but if regional events are to be advertised, the sign needs to say it's regional.

Representing Colonial Williamsburg, Rich Kraph, Director of Operations, thanked Mr. Nester for his work with him to rephrase the proposed ordinance to reflect the nonprofit status, owned and operated by a not-for-profit organization.

**Debbie Keane** stated that the purpose of the sign is regional for 2007 and should be designated regional and include James City County and Yorktown. She said visitors are confused enough.

Joe Phillips, City Attorney noted that the function of the Planning Commission relates to the appropriateness of the mass of the sign and the particular site; it is not in the Commission's purview to regulate the text on the sign.

Rich Kraph clarified that there will be medallions on either side of the sign with James City County and Yorktown on them.

**Ike Sisane** said that if the Planning Commission is to approve the sign it should be deferred until the sign is clarified. There will be an impact on commerce and there is more to it than just approving a sign location and footage. Chairman Young repeated the City Attorney's statement that it is not in the Commission's purview to approve the content of the sign.

**Art Ricker**, 930 Jamestown Road, asked why an exception should be made for Colonial Williamsburg Foundation; the Foundation hasn't talked with hotels/motels about putting brochures out.

There being no additional comment the public hearing was closed.

Mr. Pons asked what's to stop another request for a sign from coming into the area. Mr. Nester responded that the area is in a corridor sign district and in that district only one 32 square foot sign is allowed. Commission members discussed the proposed ordinances and the need to add a statement restricting other signs from being within a certain distance of an existing sign.

Mr. Kafes moved that the Commission recommend to City Council amendment of the Zoning Ordinance to reflect changes noted in the proposed ordinance entitled *Individual Visitor Center Option* incorporating the following: Under "Monument signs for visitor centers" add: Monument signs shall be permitted for a **visitor center, owned and operated by a nonprofit organization**, and that **the sign shall be separated from any other monument or freestanding signs by a minimum distance of 500 feet.**

Mr. Pons seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose, McBeth, Young

Nay: None

Absent: None

## OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic. He added that if there is any comment regarding site plans or subdivisions, this is the appropriate time to address those concerns.

**Lewis Catron**, 413 Millneck Road, said he's lived here since 1966 and is concerned about the state of the arts. He said the timeshare project on Penniman Road endangers one of the few artists living in our area. Kyra Cook's home will be only 20 feet from the four story building and this is totally unacceptable. It is an obtrusive mountain. He asked that the Commission consider recommending the abutting building to Mrs. Cook, 6A, be downsized.

**Jim McCord** asked the Commission for permission to read a letter from Nanci Bond who was unable to attend the meeting today. Permission was granted and Mr. McCord read Mrs. Bond's letter which addressed the height, density and scale of the timeshare project. She urged that the Commission be mindful of the negative impact the project will have on the neighborhood and community.

**David Kranbuehl** said the Penniman Road area is currently in a state of flux and the Commission needs to think very carefully what it will be setting in motion for the next 50-100 years. He said it is tragic to allow this project within 20 feet of a house. The applicant has offered to delay constructing building 6A – get it in writing. The project will be done in phases – establish the number of years for the phasing and get it in writing. Identify trees as well as their specific size and get it in writing. We need to protect our residents. Do the maximum you can -- nail it down, get it in writing.

**Kyra Cook**, 315 Penniman Road, stated there are a number of people who support her in her attempt to have some control over the proposed timeshare project. Several of her supporters have sent letters of support and others are in the audience today. Mrs. Cook thanked the staff and Commission for designating her area as mixed use in the Comprehensive Plan and asked that they please deny this site plan and have the applicant return with one more accommodating. She said there are 17 other acres where it could be located – why not have a buffer along the residential section? It's unconscionable.

**Lois Hornsby**, 311 Indian Springs Road, asked that within the Comprehensive Plan the Commission continue to maintain what is best for the City of Williamsburg. We need to protect the neighborhoods and establish affordable housing.

There being no further comment from the audience the Open Forum was closed.

## **SITE PLANS AND SUBDIVISIONS**

**SPR #06-014: Colonial Penniman LLC, Penniman Road – 400 unit timeshare project. The Commission approved the final site plan with conditions by a vote of 4-1.**

Deputy Planning Director Murphy presented the final site plan for the timeshare project which will be on 18 acres along Penniman Road, Page Street and the CSX Railroad. The build out will take 12 years and be accomplished in eight phases. There will be four entrances into the development and a traffic analysis has been done. Tom Tingle with AES Consulting Engineers and representatives for the applicant, BlueGreen Corporation, were present to respond to any questions.

Discussion continued regarding traffic concerns. Although one of the recommendations from the traffic study is to eliminate the left turn movement from Penniman Road onto Page Street as a way to deal with the increased traffic at that intersection, City staff finds prohibiting left turns at this intersection unacceptable. As an alternative, staff suggests a traffic signal be considered at the intersection when warranted. Upgrades to the sewer mains will be required to accommodate the project and Mrs. McBeth said more landscaping is needed.

Jenny Polinski with BlueGreen Corporation said it has been great working with everyone in the City of Williamsburg and they are trying to take all concerns into consideration, the ARB, the City staff and the adjacent residents. She said they respect and appreciate the concerns expressed by all parties and they are doing what can be done to take all concerns into account. Mrs. McBeth noted, however, that none of those proffers are in the proposal.

Discussion continued regarding landscaping and traffic within the development including the possibility of having Williamsburg Transit involved. Mrs. McBeth expressed a hesitancy to vote on the plan because there are too many loose ends like transportation, phasing and the build out of landscaping.

[Mr. Rose left the meeting.]

Mr. Pons noted adjacent property owner, Kyra Cook's concern about the windows and balconies that will look over her property and seem not to have been addressed in the site plan. Mr. Tingle responded that this has been discussed with the applicant but no definitive answer has been given as yet. Mrs. McBeth again stated that this is a flawed document and that a lot still seems to be under discussion. We need to be clear what is being approved.

Mr. Hertzler moved that the Commission approve the site plan with the following conditions:

1. Execution of an "off-site improvements agreement" between the City and the Developer (approved by the City Attorney).
2. Completion of the following prior to the issuance of any building or land disturbing permits for the project:
  - a. Recordation of a plat extinguishing the interior property lines
  - b. Obtaining a VSMP permit from the State.
  - c. Submitting a BMP maintenance agreement and purchasing 1.5 pounds of regional access credits from the City.
  - d. Obtaining a City right-of-way permit (and providing associated bonds).
3. Completion of the following prior to issuance of a certificate of occupancy for any building:
  - a. Certification by a licensed professional that the construction of the BMP is in accordance with the approved site plan prior to the issuance of a certificate of occupancy for any building.
  - b. Certification by a licensed professional during each phase that the construction of that phase is in accordance with the approved site plan.
  - c. Submitting as-built plans to the City for all off-site and on-site public improvements.
4. Resolution of minor engineering details with City staff.
5. The phasing of the project must be in accordance with the phasing plan on Sheet 2 with the exception of landscaping and fencing of east side as noted in Phases 5 and 6 being installed with Phase 1.

Mrs. McBeth again raised her concerns about the project, and said that she would vote against the site plan.

The issue of bus transit service to the project was discussed at length by the Commission. Mr. Young noted that we should do all that we can to encourage the use of public transportation. Mrs. McBeth raised concerns about lack of curb cuts for bus pull-offs. Mr. Kafes suggested making this issue a recommendation rather than a requirement. It was the consensus of the Commission that the City and the applicant explore bus transit service to this project with Williamsburg Area Transport.

Mr. Kafes seconded the motion which carried by roll call vote of 4-1.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Young  
Nay: McBeth  
Absent: Rose



## **OLD BUSINESS**

### 2006 Comprehensive Plan

Mr. Nester noted that changes agreed upon at Monday's work session to the Penniman Road area have been made to the Comprehensive Plan and the final version of the Future Land Use Map included. Mr. Pons moved that the Commission recommend adoption of the 2006 Comprehensive Plan. Mrs. McBeth seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, McBeth, Young

Nay: None

Absent: Rose

Mr. Nester thanked the Commission for their efforts during the process that included 41 work sessions. Mr. Pons added the recommended Plan represents the culmination of two long years and is a reflection of many hours of discussion.

## **NEW BUSINESS**

### Front-Yard Parking

Mr. Pons noted Mr. Kranbuehl's concern about front-yard parking and agreed it is worthy of further discussion.

**OTHER** - None

## **INFORMATION ITEMS**

Report from City Council

Planning Department Monthly Report

Monthly Financial Statement

There being no further business the meeting adjourned at 7:00 p.m.

Jesse Young, Chairman  
Williamsburg Planning Commission

## **PUBLIC HEARINGS SCHEDULED FOR AUGUST 16, 2006**

**PCR #06-017:** Amendment of Chapter 21, Zoning, of the Williamsburg City Code, by amending Article II, Division 1, Sec. 21-29, Violation and penalty. It is proposed increase the civil penalty for initial summons for violations of the zoning ordinance from

\$100.00 to \$200 and for second and subsequent violations from \$150 to \$500, in accordance with changes to the Code of Virginia effective July 1, 2006.

**PCR #06-019:** Request of Roseland Property Incorporated to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Article III, Division 10.2. Economic Development District ED-2, to allow a maximum building height of 60 feet if buildings are set back 50 feet from Ironbound Road. Presently, the ED-2 height limit is 45 feet, with the ability to increase to 60 feet if set back at least 200 feet from Richmond Road, at least 200 feet from Ironbound Road, and at least 50 feet from Treyburn Drive. It is proposed to change the height of the two buildings closest to Ironbound Road from three stories to four stories, with an approximate height of 55 feet.

**PCR #06-020:** Amendment of Chapter 21, Zoning, of the Williamsburg City Code, by revising Division 9. Tourist Business District B-2, Sec. 21-324(4.1) to allow a hotel or motel to lease rooms to employees of an individual business and/or employees managed by an employee brokerage firm with a special use permit.

**PCR #06-021:** Request of Motel Rochambeau, Inc., 929 Capitol Landing Road, for a special use permit to lease rooms to employees of an individual business and/or employees managed by an employee brokerage firm.

**PCR #06-022:** Request of the City of Williamsburg for a special use permit for Redoubt Park, to be located on the east side of Quarterpath Road between the Colonial Williamsburg Foundation Nursery and Tutter's Neck Pond. The property is zoned RS-2 Single Family Dwelling District Conditional. It is proposed to create a new 21.4 acre passive park.